Remarks

Claims 1, 4-11, 13-14, 16-22 and 25-27 are currently pending in the Application and Claims 28-32 are newly presented herein.

Summary of claim amendments

This response amends Claims 1, 4, 7, 16-17, 21 and 25-27 to clarify the language of the claims.

New claims

This response adds new Claims 28-32 to more completely claim the invention. Support for the new Claims 28-32 can be found, for example, on page 8, line 28 to page 9, line 1 of the specification.

The Commissioner is authorized to charge excess claim fees to deposit account no. 08-2025.

35 U.S.C. §101 rejection

The Examiner rejects Claims 1, 4-11, 13-14, 16-21 and 25-27 for allegedly being directed to non-statutory subject matter. According to the Examiner, the "adapters" and "server" recited in pending claims can be servlets and webserver that are implemented as software.

The Examiner alleges that the specification does not necessarily limit the claimed "server" to a hardware embodiment because the specification states that a "server" can be, for example, "a Web server with a multi-threaded servlet engine" (p. 2, ll. 11-13 of the final Office Action). Using a definition from netunlimited.com, the Examiner asserts that one skilled in the art would not interpret a "Web server" to be hardware because netunlimited.com defines the "Web server" as "the computer program that serves requested HTML pages" (p. 2, ll. 13-17 of the final Office Action).

Applicants object to the Examiner's use of a single definition to try to pigeonhole the "Web server" as a "computer program" without consulting other source for definition of

this term. According to the Wikipedia.org for example, the term "Web server" is defined as a "computer program that is responsible for accepting HTTP requests …" **or** a "computer that runs a computer program …" (see the definition of the term "Web server" from Wikipedia.org enclosed herein). Applicants further enclose herein a print out from Webopedia.com wherein the term "Web server" is defined as a "computer that delivers Web pages."

In view of the above definitions from multiple other sources, Applicants submit that one skilled in the art would interpret the "Web server" to be hardware, not software as alleged by the Examiner.

According to MPEP Section 2106.01:

> "Only when the claimed invention taken as a whole is directed to a mere program listing, i.e., to only its description or expression, is it descriptive material *per se* and hence nonstatutory."

Applicants submit that because Claim 1 recites a "server" that is defined as a computer, therefore Claim 1 taken as a whole is not directed to a program listing and is therefore statutory. Hence, Applicants respectfully request that the rejection be withdrawn.

The Examiner further asserts that the pending claims are not limited to producing a useful, concrete, and tangible result as required by 35 U.S.C. §101, because the Examiner does not know how "configuring" an element to perform an action necessarily implies that the element performs the action (p. 3, ll. 7-9 of the final Office Action).

The Examiner is referred to Webster's New Explorer Encyclopedic Dictionary where the term "configure" is defined as "to set up for operation especially in a particular way" (See the definition of the term "configure" from Webster's New Explorer Encyclopedic Dictionary enclosed herein). Based on the above definition, one skilled in the art would understand that setting up an element for operation in a particular way means that the element performs the operation.

Although the term "configure" is clear, in the interest of moving this application to allowance Applicants amended the pending claims to recite "programmed" instead of "configured" to show that claimed elements perform the action they are programmed to perform. In view of the amendments, Applicants request that the rejection be withdrawn.

35 U.S.C. §102(b) rejection

Claims 1, 4, 9-11, 13-14, 16-21 and 25-27 stand rejected under 35 U.S.C. §102(b) as being anticipated by Smith (U.S. Patent No. 5,790,790). Applicants respectfully disagree. Applicants submit that Smith does not teach each and every element as set forth in the rejected claims. In particular:

Claim 1

Applicants submit that Smith does not disclose, suggest or teach, *inter alia*, the following features recited by amended Claim 1 of the present application:

> "the server comprising at least one message channel, a first channel adapter and a second channel adapter, the first channel adapter programmed to: receive a message from the first client system encoded in an Internet protocol and comprising content information and destination information, read the destination information from the message, and send a push request to place the message in a message channel corresponding to the destination information, the second channel adapter programmed to: receive a message request from the second client system encoded in an Internet protocol and comprising source information, read the message request and identify a message channel corresponding to the source information, send a pull request to the message channel, generate a response comprising a time out response if no message is placed in the message channel within a predetermined time period, and generate a response comprising at least the content information if a message is placed in the channel"

If the Examiner does not agree, the Examiner is requested to comply with 37 C.F.R. §1.104(c)(2) by designating "as nearly as practicable" where the above features are disclosed by Smith.

Claims 4-11, 20-21 and 28

Claims 4-11, 20-21 and 28, at least based on their dependency on Claim 1, are also patentable over Smith.

Claim 22

Applicants submit that Smith does not disclose, suggest or teach, *inter alia*, the following features recited by amended Claim 22 of the present application:

> "receiving a message from the first client system encoded in an Internet protocol format and comprising content information and destination information corresponding to a message channel, reading the destination information, sending a push request to place the content information in a message channel corresponding to the destination information, receiving a message request from the second client system encoded in an Internet protocol format and comprising source information corresponding to the message channel, reading the message request to identify the message channel corresponding to the source information, sending a pull request to the message channel, generating a response comprising a time out response if no message is placed in the message channel within a predetermined time period, and generate a response comprising at least the content information if a message is placed in the channel"

If the Examiner does not agree, the Examiner is requested to comply with 37 C.F.R. §1.104(c)(2) by designating "as nearly as practicable" where the above features are disclosed by Smith.

Claim 29

Claim 29, at least based on its dependency on Claim 22, is also patentable over Smith.

Claim 25

Applicants submit that Smith does not disclose, suggest or teach, *inter alia*, the following features recited by amended Claim 25 of the present application:

> "the server comprising at least one message channel, a first channel adapter and a second channel adapter, the first channel adapter

> programmed to: receive a message from the first client system encoded in an Internet protocol and comprising content information and destination information, read the destination information from the message, and send a push request to place the message in a message channel corresponding to the destination information, the second channel adapter programmed to: receive a message request from the second client system encoded in an Internet protocol and comprising source information, read the message request and identify a message channel corresponding to the source information, send a pull request to the message channel, and generate a response comprising a time out response if no message is placed in the message channel within a predetermined time period, and generate a response comprising at least the content information if a message is placed in the channel, the first client system further comprising a transmission module programmed to transmit the message from the first client system to the server, the transmission module programmed to: receive message information comprising content information and destination information corresponding to a message channel, generate the message comprising the message information encoded in an Internet protocol format, and transmit the message to the server for retrieval by the second client system from the message channel"

If the Examiner does not agree, the Examiner is requested to comply with 37 C.F.R. §1.104(c)(2) by designating "as nearly as practicable" where the above features are disclosed by Smith.

Claim 26

Applicants submit that Smith does not disclose, suggest or teach, *inter alia*, the following features recited by amended Claim 26 of the present application:

> "the server comprising at least one message channel, a first channel adapter and a second channel adapter, the first channel adapter programmed to: receive a message from the first client system encoded in an Internet protocol and comprising content information and destination information, read the destination information from the message, and send a push request to place the message in a message channel corresponding to the destination information, the second channel adapter programmed to: receive a message request from the second client system encoded in an Internet protocol and comprising source information, read the message request and identify a message channel corresponding to the source information, send a pull request to the message channel, and generate a response comprising a time out response if no message is placed in the message channel within a predetermined time period, and generate a response comprising at least the content information if a message is placed

> in the channel, the second client system comprising a receiver module programmed to retrieve the message comprising content information from the server sent by the first client system, the receiving module programmed to: receive a message request comprising source information corresponding to the message channel generate a message request encoded in an Internet protocol format in accordance with the source information, transmit the message request to the server, receive the response from said server in accordance with the message request, and generate an output"

If the Examiner does not agree, the Examiner is requested to comply with 37 C.F.R. §1.104(c)(2) by designating "as nearly as practicable" where the above features are disclosed by Smith.

Claim 27

Applicants submit that Smith does not disclose, suggest or teach, *inter alia*, the following features recited by amended Claim 27 of the present application:

> "the server comprising at least one message channel, a first channel adapter and a second channel adapter, the first channel adapter programmed to:-receive a message from the first client system encoded in an Internet protocol and comprising content information and destination information, read the destination information from the message, and send a push request to place the message in a message channel corresponding to the destination information, the second channel adapter programmed to: receive a message request from the second client system encoded in an Internet protocol and comprising source information, read the message request and identify a message channel corresponding to the source information, send a pull request to the message channel, and generate a response comprising a time out response if no message is placed in the message channel within a predetermined time period, and generate a response comprising at least the content information if the message is placed in the channel, the first client system comprising a transmission module programmed to transmit the message from the first client system to the server, the transmission module programmed to: receive message information comprising content information and destination information corresponding to a message channel, generate the message comprising the message information encoded in an Internet protocol format, and transmit the message to a server for retrieval by the second client system from the message channel, the second client system comprising a receiver module programmed to retrieve the message comprising content information from the server sent by the first client system, the receiving module programmed to: receive a message request comprising source information

> corresponding to the message channel generate a message request encoded in an Internet protocol format in accordance with the source information, transmit the message request to the server, receive the response from said server in accordance with the message request, and generates an output"

If the Examiner does not agree, the Examiner is requested to comply with 37 C.F.R. §1.104(c)(2) by designating "as nearly as practicable" where the above features are disclosed by Smith.

35 U.S.C. §103(a) rejection

Claim 5 stands rejected under 35 U.S.C. §103(a) as being obvious in view of Smith.

Applicants submit that Claim 5, at least based on its dependency on Claim 1, is believed to be patentable over Smith, because there is no prima facie 35 USC 103(a) case based on Smith, as shown above.

Conclusion

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this document is being transmitted to the Patent and Trademark Office via electronic filing.

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Respectfully submitted,

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